

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA,)
)
)
v.) No. 1:12-cr-98-HSM-WBC-01
)
ERIC DEWAYNE LYONS)

MEMORANDUM AND ORDER

ERIC DEWAYNE LYONS (“Defendant”) appeared for a hearing on January 31, 2017, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for a Warrant or Summons for an Offender Under Supervision (“Petition”).

Defendant was placed under oath and informed of his constitutional rights. It was determined that Defendant wished to be represented by an attorney and he qualified for appointed counsel. Federal Defender Services of Eastern Tennessee was appointed to represent Defendant. It was also determined that Defendant had been provided with and reviewed with counsel a copy of the Petition.

The Government moved that Defendant be detained without bail pending his revocation hearing before U.S. District Judge Mattice. Defendant requested both a preliminary hearing and a detention hearing, which were held.

Preliminary Examination and Detention Hearing Proof

AUSA James Brooks called U.S. Probation Officer Christa Heath as a witness to testify about the factual allegations set forth in the Petition and related matters. After being sworn, Defendant testified on his own behalf. Both parties presented their respective arguments, which were fully considered by the Court.

Findings

(1) Based upon the evidence and Defendant’s admitted drug use, the undersigned finds there is probable cause to believe Defendant has committed violations of conditions of his supervised release.

(2) Defendant has not carried his burden of demonstrating by clear and convincing evidence that, if released, he would not pose a danger to another person or to the community or pose a risk of flight under Fed. R. Crim. P. 32.1(a)(6).

Accordingly, it is **ORDERED** that:

(1) Counsel for Defendant and the Government shall confer and make best efforts to submit to U.S. District Judge Mattice a proposed Agreed Order with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision.

(2) In the event counsel are unable to reach agreement with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision, they shall request a hearing before U.S. District Judge Mattice.

(3) The Government's motion that Defendant be **DETAINED WITHOUT BAIL** pending further order from this Court is **GRANTED**.

SO ORDERED.

ENTER.

s/ Susan K. Lee

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE